UNITED STATES COMMISSION

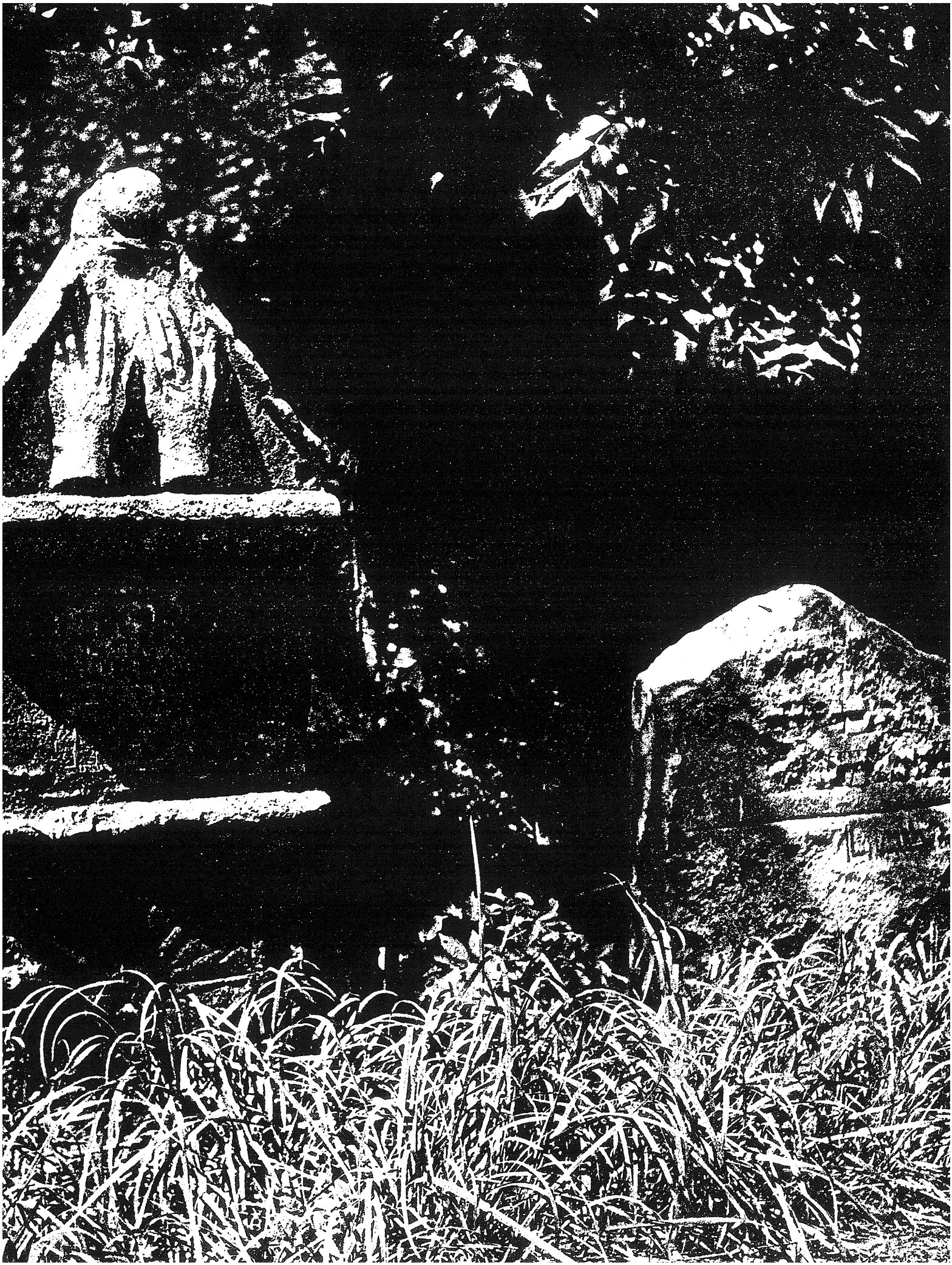
FOR

THE PRESERVATION OF

AMERICA'S HERITAGE ABROAD

ANNUAL REPORT

1991



ANNUAL REPORT
1991

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

Established by the 86th Congress.
Signed into law by President Reagan in 1987. (16USC 469j)

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UNITED STATES COMMISSION FOR THE PRESERVATION
OF AMERICA'S HERITAGE ABROAD

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FOREWORD

Established by law in 1985, the United States Commission for the Preservation of America's Heritage Abroad was launched in 1990. This was the first year of funding support for the Commission and fortuitiously coincided with the end of the Cold War and the birth of democratic governments in Eastern Europe. The ensuing improvements in political relationships enabled the Commission to proceed with the initiatives and activities which had previously been only long-term hopes and ideas.

A number of significant milestones on both the governmental and private citizen levels were achieved during this first year of operations. Of these, the most important and far-reaching was the drafting of a proposed agreement for the establishment with five East European countries of Joint Cultural Heritage Commissions for the protection of important cultural sites where the most work needs to be done. This resulted in the granting of Circular 175 authority by the Department of State to negotiate and conclude agreements with the Eastern and Central European countries for the protection and preservation of certain cemeteries, monuments and historic buildings (see Appendix). Authority for the remaining countries, covered by the legislative mandate, will be sought in 1991.

With the approval granted, a small delegation travelled in 1990 to Eastern Europe where a series of fruitful discussions took place with the governments of Poland, Hungary and Czechoslovakia. These discussions are continuing with every indication that the formal agreements will be concluded in 1991.

Significant progress during 1990 was also made in the other key legislative mandate of the Commission—the development of an inventory of cultural sites in Eastern Europe which are

of special interest to the cultural heritage of Americans. In 1990, the desired informational elements and survey methodology were designed and a contract awarded for the conduct of the 1991 surveys in Poland, Hungary and Czechoslovakia.

While the move toward democracy and market economies in Eastern Europe provided the climate for new cooperation between the United States and the countries of Eastern Europe, the Commission is still faced with significant problems with regard to the accomplishment of its goals there. Funds for new governmental programs in the emerging democracies are in desparately short supply. The bulk of financial resources for preservation and restoration of cultural sites will have to be raised by the Commission from private American donors. Toward this end, the Commission has formulated plans for raising these funds and will launch this campaign in 1991.

In conjunction with direct fundraising plans, the Commission developed the concept of the Historic Trust Adoption Program. This plan enables United States cultural, ethnic or religious organizations to "adopt" an East European town in which cultural monuments still exist and the indigenous population was either displaced or killed in the Holocaust.

As a result of the newspaper accounts of our program and our requests for information regarding the location of afflicted sites, a multitude of responses from as far away as Egypt and the Soviet Union are forthcoming. Unfortunately, we were unable to get involved with the Egyptian response since it is outside of Eastern Europe and not within the purview of our legislation.

Even though positive progress is being made on all of the Commission's objectives, we are reminded daily of the value and urgency of our work. Vandalism, while sincerely condemned by all of the East European governments, continues to destroy many of these precious cultural sites.

These reminders of the clear, widespread need for protection and preservation, coupled with the momentum created in 1990, reaffirms our commitment to make far-reaching contributions which are so rewarding. In the coming year, we expect that the Commission will make significant accomplishments as agreements with countries are signed, negotiations with additional governments are undertaken, the Historic Trust Adoption Program is executed, funds for protection and preservation are raised, and the initial results of the survey are collected.

Israel Rubin
Acting Chairman

FOREWORD

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INTRODUCTION

In 1985 the U. S. Congress and President Ronald Reagan took a crucial step towards preserving the roots of American heritage. They established the U. S. Commission for the Preservation of America's Heritage abroad, an organization dedicated to the "preservation and protection of cemeteries, monuments and historical buildings associated with the foreign heritage of American citizens". While this organization has overall responsibility for ensuring the safekeeping of our historical, cultural and religious roots abroad, the Commission is also charged with three specific tasks. These are to: (1) "identify and publish a list of those cemeteries, monuments and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments and buildings which are in danger of deterioration or destruction; (2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments and buildings will be preserved and protected; and (3) prepare and disseminate reports on the condition of and the progress towards preserving and protecting such cemeteries, monuments, and historic buildings. In addition , the Commission has undertaken two other

projects: (4) to formulate a Historic Trust Adoption program to encourage private and non-profit organizations to "adopt" buildings, monuments and cemeteries abroad; and (5) to establish a mechanism to raise funds from the private sector which will be used to renovate and maintain the cemeteries, monuments and historic buildings. Of all of these, the Commission has deemed the effort to obtain assurances from foreign governments a top priority and has, accordingly, focused considerable attention on the drafting and negotiation of bilateral agreements with targeted countries.

The Commission consists of 21 members appointed by the President. Seven members are recommended by the Speaker of the House of Representatives and seven by the President *pro tempore* of the Senate. At this time, no Chairman has been appointed and the terms of nearly all members of the Commission have expired. The Administration has decided to withhold appointment of new members until the Chairman is named.

This publication will report on the progress to date and status of each of the Commission's responsibilities as well as outline expectations for the coming year. In fiscal 1990, the Commission has made considerable progress towards meeting its objectives and is on schedule with regard to its goals.

AGREEMENTS BETWEEN UNITED STATES AND FOREIGN GOVERNMENTS

The Commission has concentrated substantial efforts on one of its leading initiatives—obtaining "assurances from foreign governments that the cemeteries, monuments and buildings will be preserved and protected." In the past year, the Commission has recognized major gains towards achieving this goal.

In May 1990, the U.S. Department of State granted the Commission authority (Circular 175) to negotiate and conclude agreements for the preservation and protection of certain cemeteries, monuments and historic buildings with the governments of Poland, Hungary, Czechoslovakia, Germany, Austria and Yugoslavia. As we succeed in completing agreements with these countries, we plan to request the State Department to extend our Circular 175 authority to include Bulgaria, Romania and the Soviet Union as well.

At the request of the Commission, Bernard Oxman, Associate Dean of the University of Miami School of Law and consultant to the State Department, prepared a draft agreement for use between the U.S. and foreign governments. This agreement provides for the preservation and protection of the cultural heritage of all national, religious or ethnic groups that resided within that territory and were victims of genocide. The Commission is now in the process of completing the negotiation of this prototype agreement which stipulates that the East European nations will declare designated cemeteries, monuments and buildings as national historic trusts which may not be demolished. Specifically, this agreement provides for (1)taking appropriate steps to protect and preserve the cultural heritage (places of worship, historically significant sites, cemeteries and memorials as well as related archival material) of groups which were victims of genocide during World War II, (2)helping to identify and possibly affix plaques to such sites, (3)ensuring that no discrimination will exist against any group, and (4)establishing a Joint Cultural Heritage Commission to oversee the operations of the jointly developed lists and perform other functions as delegated. This final element is truly the most significant part of the agreement in that it provides a mechanism for which preservation and protection can be institutionalized in these countries. The day-to-day working relationship that the Joint Cultural Heritage Commission will engender is key to our success.

In 1990, negotiations were conducted with representatives of governments from Poland, Hungary and Czechoslovakia. Although negotiations actually began in July 1990 and our advances were met with favorable reception at the embassy level by the ambassadors and cultural attaches, these new democratic governments are subject to the bureaucratic paralysis which still exists as a carryover from the Communist regimes. Yet, the Commission has recently rekindled discussions with the new leaders of Poland and Czechoslovakia and

anticipates progress in collaboration on signing agreements soon. By the end of 1991, the Commission's expects to have signed agreements with the foreign governments of Poland, Czechoslovakia, Hungary and Germany to begin the process of actual protection, preservation and restoration. When such negotiations are well underway, the Commission will expand its efforts to Yugoslavia and Austria, for which Circular 175 authority has already been granted, and then to request extension of that authority to other East and Central European governments.

THE HISTORIC TRUST ADOPTION PROGRAM

While much of the Commission's work is conducted on a governmental level, the importance of grass-roots involvement is recognized as well. Towards this end, the Commission designed and developed an innovative program through which interested individuals or affiliations may "adopt" a European community where the local people who would have preserved that community were displaced or killed during World War II. The idea reflects a previous and very successful adoption of Kolin, Czechoslovakia by a Bowie, Maryland synagogue. This congregation was able to trace the origins of certain religious artifacts which it owns to the Kolin synagogue.

The adoption program enables concerned people to find their historic roots by adopting a community in Eastern Europe and ensuring that its cemeteries, synagogues, monuments and historic buildings are protected and preserved against destruction or deterioration. The act of adopting a community empowers individuals and organizations to make a genuine contribution by preserving the remaining vestiges of Jewish life in Eastern Europe. In this way, American citizens can continue to appreciate these remnants on whatever religious, cultural, artistic or genealogical levels they choose.

Specifically, the "adopters" select a site, research the status of the religious, cultural and historical remains, interact with local representatives, determine whether an upkeep fund is required and choose whether to delegate some of the restoration or ongoing preservation efforts to a local resident. The Commission serves as a primary communication link in helping to identify adoptable sites from its ongoing master list, providing information about the area and both monitoring and reporting developments.

The Commission plans to execute this adoption plan in the coming year. A key component will be the initiation of contact and discussions with a variety of organizations to encourage their participation in this worthwhile program.

ACHIEVEMENTS OF INDIVIDUALS

In terms of other grass-roots activities, two Commissioners have demonstrated real depth of commitment to this cause. The extensive preservation work of Deputy Chairman Rabbi Zvi Kestenbaum is documented in Appendix 2; it delineates his leadership in spearheading preservation work in well over 30 cemeteries throughout 6 countries, with particular emphasis in Hungary. Deputy Chairman Kestenbaum was also instrumental in negotiating with the Hungarian government to nullify a 25% tax on preservation work in that country.

Commission member Rabbi Chaskel Besser has devoted considerable effort to the restoration of approximately 20 cemeteries and many graveyards of rabbis throughout Poland. Both Rabbi Besser and Deputy Chairman Kestenbaum travel to Eastern Europe frequently to assess the status of preservation work and continue to undertake new restorative efforts there.

The contributions of these two men demonstrate the incredible magnitude of what one individual can achieve. The Commission is committed to assisting any individuals and organizations who wish to contribute to its important work.

PUBLIC AWARENESS

In an effort to increase public awareness and involvement in the Commission's activities, the organization developed and distributed a press release reporting on progress and requesting information on the location and/or status of historic sites in Eastern Europe.

The publication of this article (see Appendix) in several newspapers elicited responses from interested parties all over this country and as far away as the Soviet Union. Some individuals offered detailed information, including photographs; others requested information about the status of hometown villages and cities. As the Commission continues to solicit information and compile a master list of sites, it will be equipped to respond fully and accurately to such requests. The Commission will also rely on similar public awareness techniques to promote the Historic Trust Adoption Program and launch private funding initiatives in the coming year.

THE CULTURAL HERITAGE SURVEY

A cornerstone of the Commission's work is the compilation of a master list incorporating all sites in Eastern Europe which are in some way connected with the heritage of American citizens. Such a list will provide the basis for the Commission's ongoing preservation work. In order to create this comprehensive database, a vast research effort must be undertaken. Toward this end, the Commission is working with a contractor to delineate the scope of this major project. To date, an extensive questionnaire has been formulated (see Appendix) and the nature and extent of the endeavor has been defined. The design takes into account the Commission's long-term plans and thus, stresses interaction with local individuals and organizations overseas to forge links with the Commission. In accessing information about these sites, it recognizes the high level of interest many constituencies—academic, cultural, historical, religious and genealogical institutions as well as individuals. For example, the Commission has already received numerous requests, not only from interested individuals inquiring about the status of cultural heritage in their hometowns, but also from a group of Russians who have asked the Commission to help identify locations in Moldavia and from a Polish author who seeks the Commission's data and expertise in his compilation of a master book listing all Jewish sites in Poland. The survey has been designed so that it will provide these data clearly, comprehensively and appropriately for the wide variety of individuals and organizations who will benefit from it.

We are conducting final discussions with the contractor for this important project and plan to have a completed contract shortly. The program elements which we have designed will encompass detailed community and site information as well as archival materials (see Appendix). In 1991, we will launch the survey first in Poland, Hungary and Czechoslovakia, with the intention of expanding it to the other countries within our purview at some future time.

NEW AUTHORITY AND LEGISLATION

For FY 1992, the Commission is seeking new legislation and additional authority in two key areas. With regard to the Circular 175 authority to negotiate and conclude agreements with representatives of select East and Central European countries (Poland, Hungary, Czechoslovakia, Yugoslavia Austria and Germany), the Commission is requesting extension

of the authority to include Romania, Bulgaria and the Soviet Union. Negotiations with government representatives of these countries would begin once current negotiations with the original countries have been completed. In addition, the Commission is seeking the lifting of legislative restrictions which would prevent it from participating in negotiations with regard to planned destruction of cultural sites like the incident at El-Basatin cemetery in Egypt.

The Commission's long-term goal has been, from the start, to function as a self-supporting organization, sustained by contributions designed to establish an endowment. This endowment has always been earmarked for reconstruction work at cultural and historic sites abroad. But reconstruction and preservation work is only one part of the Commission's necessary expenditures. The funding support currently being requested is for the other part of the Commission's work—the continuation of negotiations and the maintenance of existing agreements with foreign governments. Specifically, we are requesting participating countries to establish offices with at least one full-time officer and support staff to insure that the Commission's work goes forward smoothly, to take the protective measures needed for the upkeep of the historic sites and to work in conjunction with the U.S. government to oversee the execution of our formal agreements. Expenses of such government-to-government representation by the Commission must be supported, at least in part, by appropriated funds.

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COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

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TITLE XIII—MISCELLANEOUS PROVISIONS

22 USC 2151-1 note.

SEC. 1301. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

16 USC 469j.

SEC. 1303. COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) PURPOSE.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) DUTIES.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) MEMBERSHIP.—(1) The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B) and (C), members of the Commission shall be appointed for terms of 3 years.

(B) Of the members first appointed after consultation with the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed after consultation with the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

5 USC 5101 *et seq.*, 5331.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

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Proposed Draft

AGREEMENT FOR THE PROTECTION AND PRESERVATION OF CERTAIN CULTURAL PROPERTIES

The Government of the United States of America and the Government of Hungary,

Bearing in mind the respect due to fundamental human rights, and seeking to promote understanding, tolerance and friendship among all nations, racial or religious groups,

Desiring to enhance the protection of cultural rights and provide access to the treasures of national and world culture without discrimination,

Convinced that each culture has a dignity and a value which must be respected and preserved, and that all cultures form part of the common heritage belonging to all mankind,

Considering that deterioration of disappearance of items of the cultural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Reaffirming their condemnation of genocide and their determination to take steps to frustrate the objectives of those who sought to eradicate the culture and heritage of its victims,

Seeking to honor the memories of those victims and to promote knowledge of and respect for their culture and heritage,

Considering that the protection of cultural heritage can be effective only if organized both nationally and internationally among states working in close cooperation, and

Desirous of elaborating concrete steps in furtherance of the principles and purposes of the 1972 Convention for the Protection of the World Cultural and Natural Heritage with respect to certain items of the cultural heritage of the victims of genocide during the Second World War,

Have agreed as follows:

1. Each Party will take appropriate steps to protect and preserve the cultural heritage of all national, religious or ethnic groups that reside or resided in its territory and were the victims of genocide in its territory during the Second World War. The term "cultural heritage" for the

purposes of this Agreement means places of worship, sites of historical significance, monuments, cemeteries and memorials to the dead, as well as archival material relating thereto.

2. The Parties shall cooperate in identifying lists of appropriate items falling within the scope of paragraph 1, particularly those which are in danger of deterioration or destruction. Either Party may publish such lists.

3. Each Party will ensure that there is no discrimination, in form or in fact, against the cultural heritage of any group referred to in paragraph 1 or against the nationals of the other Party in the scope and application of its laws and regulations concerning:

(a) the protection and preservation of their cultural heritage;

(b) the right to contribute to the protection and preservation of their cultural heritage; and

(c) public access thereto.

4. In cases where the group concerned is unable, on its own, to ensure adequate protection and preservation of its cultural heritage because of the effects of the crime of genocide referred to in paragraph 1, each Party shall take special steps to ensure such protection and preservation within its territory and shall invite the cooperation of the other Party and its nationals where assistance is required for this purpose.

5. Properties referred to in paragraph 4 that are of special significance shall be designated in the list of properties annexed to this Agreement, publicly announced and communicated to local jurisdictions. All properties so designated shall be protected, preserved, and marked with a special plaque. Public access thereto shall be assured. The list of properties forms an integral part of this Agreement. The Commission referred to in paragraph 6 may designate properties for inclusion in the list at any time.

6(A) A Joint Cultural Heritage Commission is hereby established to oversee the operations of the lists referred to in paragraph 2 and 5, and to perform such other functions as are delegated to it by the Parties. Each Party shall appoint one member of the Commission, who may be assisted by alternates and advisers. Decisions of the Commission shall require the assent of both members. The Parties shall cooperate in supplying the Commission with access to properties and information necessary for the execution of its responsibilities.

(B) The Commission for the Preservation of America's Heritage Abroad shall be the Executive Agent for implementing this Agreement on the American side. The_____ shall be the Executive Agent for Implementing this Agreement on the Hungarian side. Either Party by diplomatic note to the other may change its Executive Agent.

7. Nothing in this Agreement shall be construed to relieve either Party of its obligations under the 1972 Convention for the Protection of the World Cultural and Natural Heritage or any other agreement for protection of cultural heritage.

8. This Agreement shall be subject to the laws and regulations of both countries and the availability of funds.

9. Disputes concerning the interpretation or application of this Agreement shall be submitted to the Agencies referred to in paragraph 6(B).

10. This Agreement shall enter into force upon signature and shall remain in force subject to termination upon one year's written notice by one Party to the other.

Done this _____ day of _____, in duplicate, in the English and Hungarian languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

_____

DRAFT

October 31, 1990

DATA ELEMENTS FOR A SURVEY INSTRUMENT
CONCERNING CEMETERIES, SYNAGOGUES, MONUMENT SITES AND ARCHIVAL MATERIAL

Sources: (1) site visits, (2) results of previously done surveys, (3) community histories, (4) correspondence with foreign governmental agencies and individuals familiar with a community.

1. COMMUNITY INFORMATION:
   - 3 a. Correct name of town (past and present) and county/vovoid
   - 3 b. Historic Jewish name of town
   - c. Location on a map with road directions
   - d. Local official or contact person with address and phone (if available)
   - e. Number of synagogues and cemeteries in 1939 and towns and sub-communities they served
   - 3 f. Jewish population as of 1931/or last census
   - 1 g. Number of Jewish families currently there (1-5, 6-15, 16-50, more)
   - h. Jurisdiction of which Jewish community: pre 1944 _____ currently_____

2. SITE INFORMATION: ALL
   - a. Location on current map with directions from town center
   - 4 b. A copy of relevant legal document(s) which fix the boundaries of a cemetery, provide information about title, ownership of land and buildings (pertains primarily to cemeteries and buildings).
   - 4 c. Does the site have a legal/registered landmark designation?
   - 4 d. Name and address of present owner/conservator (building and cemetery only)

3. SITE CONDITION: CEMETERY (all items obtained from #1)
   - a. Name of cemetery
     - plaque: yes____ no___
   - b. old/closed___ in use in 1939-44___ in current use___
   - c. served: primarily secular Jews___ Hasidic____ Orthodox___
     - all members of Jewish community___
   - d. Current condition of cemetery on continuum from excellent/intact to some stones standing and readable to nonexistent (11 or 12 points)
   - e. If something exists:
     - is site restored? yes ___ no___
     - undergoing restoration? yes___ no___
       - by what means: volunteers___ paid workers___
       - if funded, by: _____
     - in need of restoration? yes___ no___
   - f. Approximate number of stones standing
   - g. Underline needs with respect to restoration: (1) wall nonexistent, (2) broken, (3) stones reset, (4) stones cleaned, (4) stones recarved)

i. Conditions leading to current condition: (1) war, (2) nazis, (3) vandalism, (4) road or building project, (5) conversion to park, (6) weather/erosion (7) other_____

j. If there are gravestones from this cemetery elsewhere in the community: (1) paving for streets/road (2) sidewalks, (3) monument, (4) other_____

k. Access: locked gate, open gate, no wall or fence, across private property now, improved road, unimproved road

l. Special gravestones photographed and noted _____

4. SITE CONDITION: SYNAGOGUE OR OTHER BUILDING FORMERLY BELONGING TO THE JEWISH COMMUNITY

a. Name and location of building

b. Plaque (1) for name, (2) identifying the intended Jewish religious or cultural purpose (3) none

c. Current condition along continuum (1) excellent, (2) good, (3) fair, (4) poor/vandalized, (5) nonexistent/replaced

d. Current use for building (provide a number of possibilities)

e. Current ownership: public ___ Jewish community___ private___

e. Is the building (1) restored (when?_19____, (2) undergoing restoration, (3) in need of restoration?

f. If e. answered #2, purpose of restoration: (1) renovation for current Jewish use, (2) preparation for museum, medical facility, library, school, theater, (3) preparation for inappropriate use such as garage

g. Work undertaken by : volunteers___ paid workers___

h. Source of funds:

i. Special architectural features photographed and noted___

j. If in current Jewish use or vacant: describe security /public access
locked ___ Who has key?
unlocked ___
special security arrangements (guard, dog):

5. SITE CONDITION: MONUMENT SITE

a. Description: (1) plaque commemorating mass killing/burial; (2) plaque commemorating specific act of heroism; (3) plaque denoting cemetery, synagogue or other cultural or religious site; (4) building erected on or near cemetery site

b. Site erected/developed by: (1) national government, (2) national organization, (3) foreign organization, (4) foreign individuals/family (attempt to find out who funded)

c. Site created _19_____

d. Current condition of site: (1) plaque or monument visible and clear, (2) vandalized, (3) site overgrown; (4) not clearly marked that this is a site where Jews died.

e. Places of martyrology without marker

6. ARCHIVAL MATERIALS

a. Does the local town records office have birth, marriage and death records for Jews? yes___ no___ If yes, for what years?

b. Are there older records somewhere? yes___ no___ don't know___ If yes, where?

c. At the town records office, the local history museum or elsewhere, are there architectural plans for the community's synagogue(s)? Survey of the cemetery/cemeteries? Titles to these sites?

d. Are there Jewish community, burial society (chevra kaddisha) or mohel records at any of these locations or with private individuals?

United States Department of State

Washington, D.C. 20520

MEMORANDUM OF LAW

SUBJECT: Circular 175: Request for blanket authority to negotiate and conclude agreements for the preservation and protection of certain cemeteries, monuments and historic buildings with countries of Eastern and Central Europe

In the accompanying memorandum, in accordance with Circular 175 procedures, blanket authority is requested for the negotiation and conclusion of executive agreements by the Commission for the Preservation of America's Heritage Abroad with countries of Eastern and Central Europe for the preservation and protection of certain cultural properties.

As stated in the accompanying memorandum the Commission was established as a U.S. Government agency under Section 1303 of Title XIII of P.L. 99-83 of August 8, 1985 (16 USC 469j). Thus the legislation provides (Section 1303(d)) that the Commission is to consist of 21 members appointed by the President, 7 of whom shall be appointed after consultations with the Speaker of the House and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate. The President shall designate the Chairman of the Commission from among its members. Also under Section 1303(g) the Commission is authorized to appoint employees in the competitive service and to fix their compensation; upon request of the Commission the head of any department or agency, including the Secretary of State, may detail on a reimbursable basis any personnel to the Commission; and the Commission may use the United States mails "upon the same conditions as other departments and agencies".

The second described function of the Commission (Section 1303(c(2)) envisages international agreements when it calls for "obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments and historic buildings will be preserved and protected"

The text of the model agreement accords in our view with the authorizing legislation, as reasonably construed, with respect to the properties protected and the obligations obtained from foreign governments (e.g., certain archival materials are believed to fall within the Congressional intent). Further, while certain of the obligations in the text relating to properties appear to be bilateral in nature, the only obligation is on the foreign governments with respect to properties in their territories, where genocide occurred.

In the light of the above it is concluded that authority may be granted for the negotiation and conclusion of the proposed agreements on the basis of the functions entrusted to the Commission under its controlling legislation, in conjunction with the President's constitutional authority to represent the United States in foreign affairs and the Secretary of State's authority as the agency of the President in foreign affairs.

Ely Maurer

Ely Maurer, Assistant
Legal Adviser for Educational
Cultural and Public Affairs

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United States Department of State

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ACTION MEMORANDUM

S/S

May 24, 1990

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TO: The Acting Secretary

FROM: L - Michael J. Matheson, Acting

SUBJECT: Circular 175 - Request for Blanket Authority to Negotiate and conclude Executive Agreements for the Preservation and Protection of Certain Cemeteries, Monuments and Historic Buildings in Eastern and Central Europe

ISSUE FOR DECISION

Whether to grant the United States Commission for the Preservation of America's Heritage Abroad blanket authority to negotiate and conclude agreements for the preservation and protection of certain cemeteries, monuments and historic buildings with governments of Eastern and Central Europe.

ESSENTIAL FACTORS

Under Section 1303 of Title XIII of P.L. 99-83 of August 8, 1985 (16 USC 469j) the Commission for the Preservation of America's Heritage Abroad was established as an agency of the U.S. Government. The Commission has three functions (Section 1303(c)):

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

The main impetus behind Section 1303 has been the destruction and deterioration of Jewish cemeteries, monuments

and historic buildings in Eastern and Central Europe resulting from the genocide of the Jewish populations in these areas. The Commission now proposes, as envisaged by the legislation, the negotiation of international agreements with the governments of Eastern and Central Europe to provide for the preservation and protection of these cemeteries, monuments and historical buildings. Agreements will be sought first with Poland, Hungary and Czechoslovakia.

Attached at Tab 1 is the text of a proposed agreement to be made with Poland. This text will be the prototype for similar agreements with the other countries. The agreement provides for: (1) taking appropriate steps to protect and preserve the "cultural heritage" of groups which were victims of genocide during World War II -- "cultural heritage" being spelled out to set forth the properties within the ambit of the legislation; (2) cooperation in identifying lists of such properties, with properties of special significance to be marked with a plaque; (3) the possibility of contributions and assistance from the U.S. side; (4) the establishment of a Joint Cultural Heritage Commission to oversee the lists and perform other functions delegated to it; and (5) the designation of the Commission for the Preservation of America's Heritage Abroad and a counterpart foreign government body as Executive Agencies for implementing the agreement.

The Commission received its first appropriation of $200,000 in P.L. 101-162 of November 21, 1989 "For necessary start-up costs" (Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriation Act, 1990). Under Section 1303(g)(6) the Commission "may accept, use and dispose of gifts or donations of money or property". The Commission has advised OMB officials that by the end of fiscal year 1991 it does not expect to need any further government financing, but rather will rely on gifts and donations from the private sector. It should be pointed out that the agreement is made explicitly subject to the laws and regulations of both countries and the availability of funds.

We do not believe that the granting of this authority to the Commission would either be detrimental to U.S. foreign policy interests or be constitutionally objectionable. The Commission is in fact a U.S. agency whose members and Chairman are appointed by the President and we will preserve the right to approve any variations from the attached prototype agreement, as well as the final agreements to be concluded. We will also preserve the right to give foreign policy direction

concerning the conduct of negotiations. These rights should ensure the protection of our foreign policy interests and constitutional prerogatives in this relatively narrow scope of negotiating activity. We see no point under the circumstances in insisting on separate authorization to negotiate with each individual country within this limited group or to assume directly the conduct of these technical negotiations.

The agreement will not have any effect on the environment in the U.S. or adverse or significant effects on the environment abroad that would require an environmental impact statement or document under the National Environmental Policy Act (42 USC 4321 et seq.) or E.O. 12114 (January 4, 1979).

No special Congressional consultations by the Department are necessary. The Commission has kept Congress informed of its planned activities.

Attached at Tab 2 is a Memorandum of Law setting forth the legal basis for the proposed agreement.

RECOMMENDATION

That blanket authority be granted to the Chairman of the Commission, or his designee, to negotiate and conclude agreements along the lines of the text at Tab 1, subject to the concurrence of the Office of the Legal Adviser, EUR and IO, and subject to foreign policy direction of the Department concerning the conduct of negotiations.

Approve _____ Disapprove JUN 15 1990

Attachments:

Tab 1 - Draft text of Agreement
Tab 2 - Memorandum of Law

Drafters: L/ECP:EMaurer; L/T:GTaft

Clearance: EUR:JSwihart
IO:RWanner
Commission:IRubin
OMB:MKasten
H:NLang and RMueller

authorize proceeding as above
r Poland, Hungary, and Czechoslovakia. Further
5 authority must be requested for other EE
d CE countries as necessary. LSE

Wang #WPPPM 232

authorize proceeding as above for Poland, Hungary, and Czechoslovakia. Further 17 authority must be requested for other EE and CE countries as necessary.

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

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PO BOX 61284
POTOMAC, MD 20854
USA

THE COMMISSION

"Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments and historical buildings associated with the foreign heritage of American citizens."

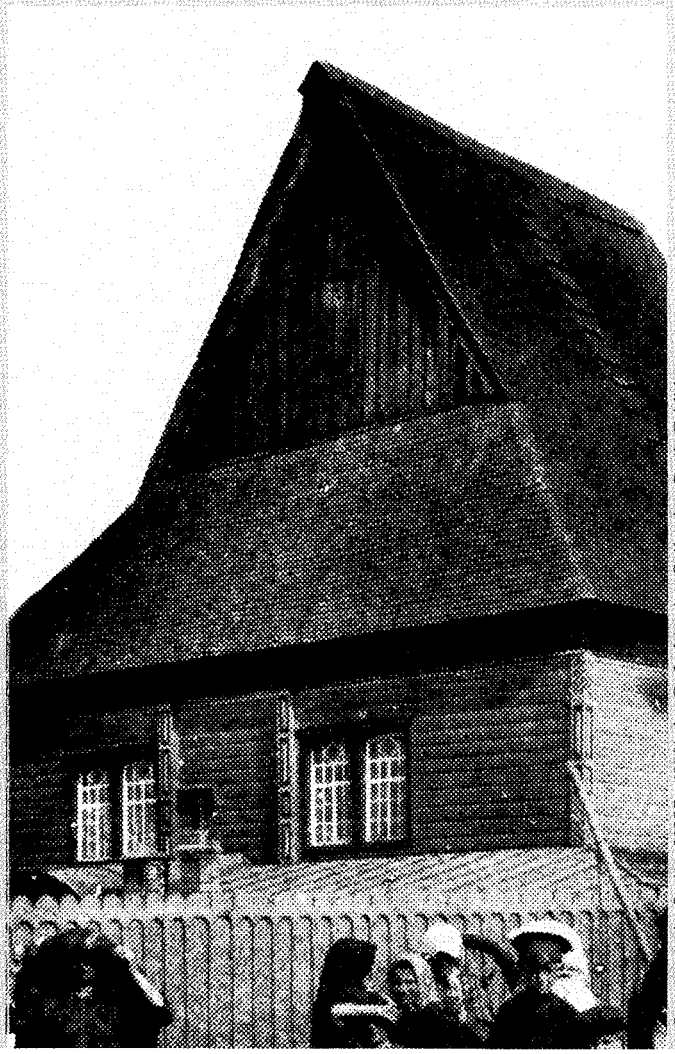
To breathe life into these words, the Congress and President Ronald Reagan created the United States Commission for the Preservation of America's Heritage Abroad. Its mission is to preserve the cultural heritage of all national, religious or ethnic groups that were victims of crimes against humanity during World War II. The primary need for the legislation arose as a result of the genocide of the Jewish people in Europe.

The Commission's key priority is to negotiate bilateral agreements with the governments of European countries for the right to jointly declare designated cemeteries, monuments and buildings as national historic trusts which may not be demolished or allowed to deteriorate. The Commission is currently identifying and compiling a list of these landmarks which are associated with the foreign heritage of American citizens and which are in danger of deterioration or destruction. On an on-going basis, the Commission will prepare reports which evaluate the condition of such sites and measure progress towards their preservation.

The Commission also leads a program through which individuals, private and non-profit organizations can "adopt" European communities from which there are no survivors to preserve relics.

The Congress authorized the Commission to accept, use, and dispose of gifts or donations of money or property.

The Commission shall transmit an annual report to the President of the United States and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the Commission's activities and accomplishments during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.



Synagogue in Orsha, USSR, 1900's by G. Lukowsky. Collection Boris Feldblyum

MONUMENTS

CEMETERIES

There are many compelling reasons to preserve the cemeteries and monuments which are rapidly deteriorating in Europe, many of which have already disappeared. Some of us are interested in their preservation because they are holy places; they are sacred and inviolate. Others view them as art forms, and examples of artistic Jewish culture. Then, there are those of us who, as preservationists and geneaologists, recognize that these sites are vital to the appreciation and understanding of the Jewish heritage and roots. For whatever reason, we must raise the necessary resources so that these last vestiges of Jewish civilization in Europe not be allowed to perish.

SYNAGOGUES

HERITAGE

While we recognize that the synagogues can never again be used for houses of worship and study as in days past, we must educate all people about the value and meaning these places impart. By affixing plaques to protected sites, formally designating areas as places of cultural and historical interest, restoring synagogues and converting buildings into museums and other centers of learning, we will strengthen the fabric of our own society as we raise world consciousness about the Jewish cultural heritage and religious past.

Cemetery photos from "Time of Stones" by Monika Krajewska, Interpress, Warsaw, 1983

HISTORIC TRUST ADOPTION PROGRAM FOLDER

Would you like to find your roots in Europe?

The United States Commission for the Preservation of America's Heritage Abroad was established by Congress to preserve the cultural heritage of all national, religious and ethnic groups that were victims of crimes against humanity during World War II. The primary need for the legislation arose from the genocide of the Jewish people in Europe.

Cemetery photos from "Time of Stones" by Monika Krajewska, Interpress, Warsaw, 1983

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

The Commission is currently conducting negotiations with European governments which will result in agreements that declare selected sites and landmarks as designated national trusts to be preserved. Response to these agreements has been enthusiastic both on the part of local European governments and remnant Jewish communities. The Commission is identifying and compiling a list of all those cemeteries, monuments and historic buildings which are associated with the foreign heritage of all United States citizens and which are in danger of destruction or deterioration.

What does it mean to find your roots in Europe?

"Adopting" a European community means accepting the challenge of preserving cultural heritage ties in that community by ensuring that its cemeteries, synagogues, monuments and historic buildings are protected and preserved against destruction or deterioration.

Why is the "adoption" program important?

Adopting a European community is a grassroots way to make a genuine contribution to the preservation of Jewish cultural heritage in Europe. With over 50% of all cemeteries and synagogues already demolished or deteriorated, it is vital that we act quickly to protect the remaining vestiges of Jewish life in Europe. In this way, you can continue to appreciate them on the religious, cultural, artistic and genealogical levels that you choose to embrace.

How can your organization get involved in the "adoption" process?

Establish a Heritage or Historical Roots Committee which will oversee the selection of a town, assess the level of Jewish cultural heritage in that town by researching archives, local synagogues, cemeteries and historic buildings and agree on a plan to preserve and protect the community's heritage. Your organization may contribute to the work of writing a history of these European towns where Jews lived, for a thousand years.

Who should be a member of the Historical Roots Committee?

The Committee should be comprised of individuals from your organization who are interested in preserving their Jewish heritage. These people may range from younger members who are trying to discover their genealogical roots to those who are retired and are interested in the more immediate family ties.

How would your Historical Roots Committee select a community in Europe?

Although there are several ways you can choose a European community to "adopt", the most meaningful choice would be to select a town or area in which one or more of your members has family roots, or a cultural heritage. Or, perhaps your organization has inherited religious items which originated from a Jewish community overseas. You may also choose a town from a list of prospective communities in need of "adoption" compiled on an on-going basis by the United States Commission for the Preservation of America's Heritage Abroad.

Once you have selected a community, what do you do next?

Your Committee will need to assess the status of cultural heritage in the town you have selected. With the assistance of the United States Commission, you will determine which cemeteries, synagogues, monuments and buildings of historic importance need protection and/or restoration. This will probably necessitate a visit to the community as well as the initiation of a dialogue with the local government. Once you have assessed the situation, you can begin preservation efforts. In some cases, you may be able to recruit an individual or family residing in your chosen community to work with you in the preservation effort.

What can you expect in the way of support?

The level of support offered will vary from nation to nation and from town to town; however, in the first round of negotiations with the governments of Poland and Hungary, local officials were enthusiastic and supportive of these types of efforts. In one instance, discussions were being held with the government of a small Hungarian village where the local cemetery was rapidly disappearing due to the lack of protective fences. During the conversation with the town's mayor, some local townspeople passed by and remarked how very pleased they were that someone was finally attending to the preservation and protection of this Jewish cemetery.

Can your organization "adopt" more than one community?

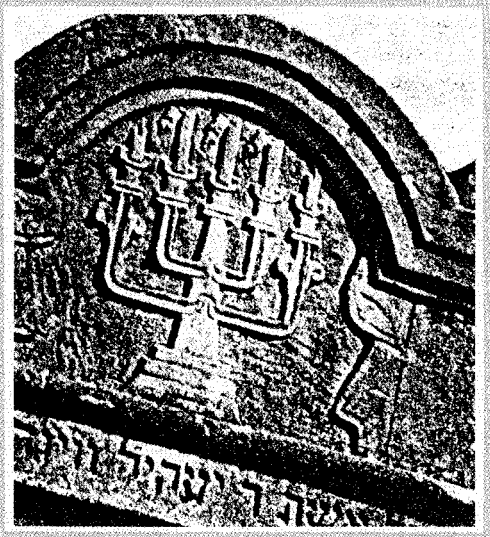
Of course, your organization may choose as many communities as you are capable of "adopting."

Has this adoption program worked well in the past?

Yes, the first adoption program occurred many years ago between Nevy Shalom, a synagogue in Bowie, Maryland and the town of Kolin, Czechoslavakia. The Bowie synagogue selected this community because the congregation had received a Torah which had been taken by the Nazis and was originally from the synagogue in Kolin. Sisterhood members wanted to further the link and decided to "adopt" Kolin. It was a very successful adoption, owing, in part, to the synagogue's decision to turn over a small annual upkeep fund to a citizen of Kolin who maintained the area and protected it from vandalism. In an unusual turn of events, the congregation contacted the last survivor, the Rabbi of Kolin, Dr. Richard Feder, who provided the congregation with a history of Kolin which is now in the Library of Congress.

To every thing there is a season, and a time to every purpose under the heaven . . . A time to mourn and a time to dance; A time to cast away stones, and a time to gather stones together.

Kohelet, 3



What resources will this program require?

Committee members will need to conduct research on the status of cultural heritage in your chosen community. They will also want to contact the Ministry of Culture and/or the mayor of the town to initiate a dialogue and gain local support. It will probably be necessary to visit the community to familiarize yourselves with the location and assess the status of cultural heritage there. Based on this, you will be able to ascertain if a modest annual upkeep fund is required (to put up a fence or gate, etc.) and what other types of support are necessary.

How will the United States Commission be involved?

The Commission involvement will occur on a decentralized basis. The Commission is very interested in hearing about how your adoption is proceeding so that other Historical Roots Committees can learn from your experiences. In this way, the Commission will serve as an information network for all those involved in preserving Jewish cultural heritage in Europe.

One of the goals of the Commission is to compile a list of the names and locations of all Jewish European communities. If you have names to check against the Commission's master list, other questions, comments, or need for information, please write to us.

UNITED STATES COMMISSION
FOR THE PRESERVATION OF
AMERICA'S HERITAGE ABROAD

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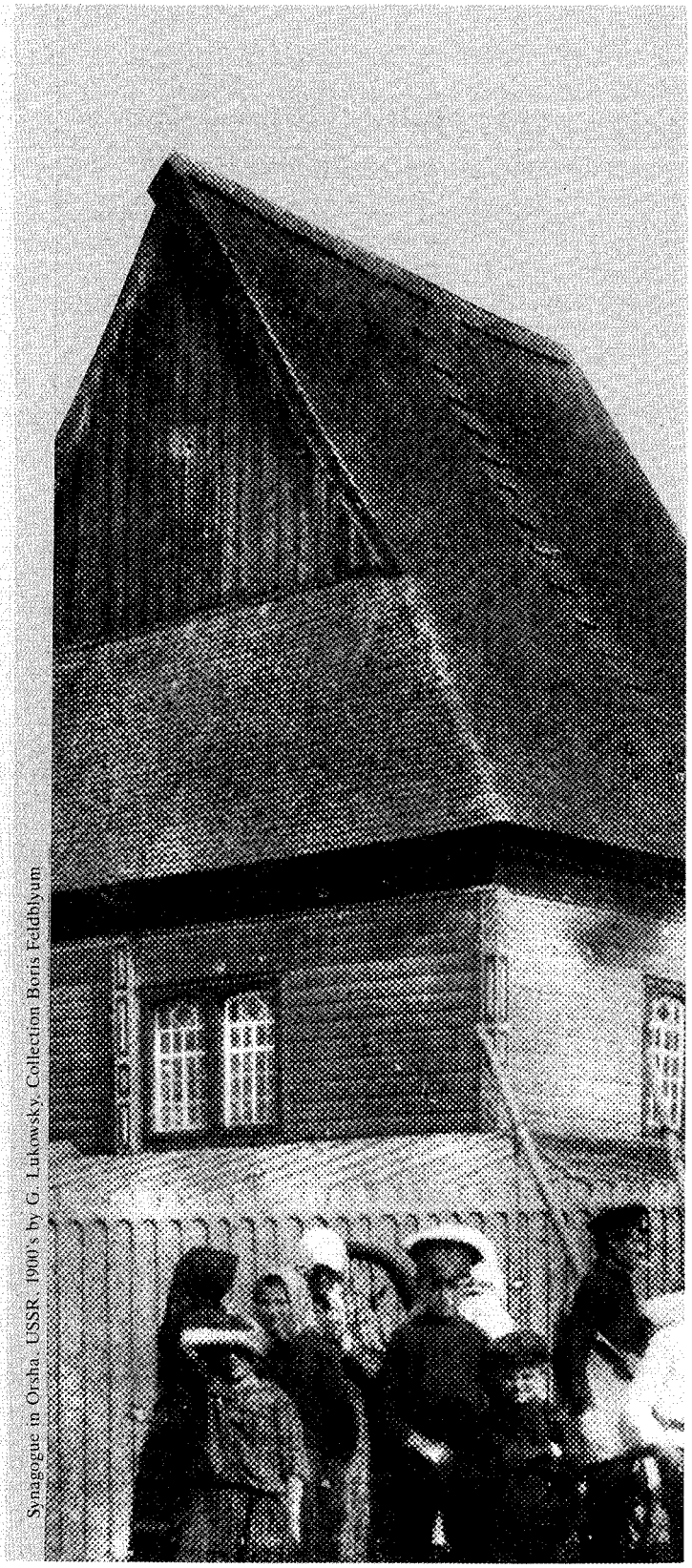

Synagogue in Orsha, USSR, 1900's by G. Lukowsky, Collection Boris Feldblyum

Washington Jewish Week, April 5, 1990 43

Information sought

WASHINGTON — The U.S. Commission for the Preservation of America's Heritage Abroad is seeking information regarding the location of cemeteries, religious and historical sites throughout Eastern Europe, to identify sites associated with the heritage of U.S. citizens which are in danger of deterioration or destruction. The commission is negotiating with Eastern European countries to provide protection for these sites.

To give information or learn about the commission, contact: The Commission for the Preservation of America's Heritage Abroad, P.O. Box 61284, Potomac, MD 20859.

U.S. Commission Seeks To Preserve Jewish Sites In Eastern Europe

WASHINGTON *(JTA)*—The U.S. Commission for the Preservation of America's Heritage Abroad is negotiating with Eastern European countries in order to reach an agreement to preserve and protect sites of cultural significance. The sites include cemeteries, monuments and buildings.

A bilateral accord proposed by the commission would establish a Joint Cultural Heritage Commission to oversee the preservation effort.

Commissioners Israel Rubin and Tzvi Kestenbaum, who recently returned from Poland and Hungary, say the response to a bilateral agreement was very positive, both from the governments and the remnant Jewish communities.

The organization is seeking information regarding the location of cemeteries, religious and historical sites throughout Eastern European countries, particularly those associated with the heritage of U.S. citizens, which are in danger of deterioration or destruction.

The commission was established by the U.S. Congress in 1985 to preserve the cultural heritage of all national religious or ethnic groups that were victims of crimes against humanity during World War II.

For further information, or if you have any information regarding the location of cemeteries or historical buildings in Eastern Europe, contact the Commission for the Preservation of America's Heritage Abroad, P.O.B. 61284, Potomac, Md. 20859.

Become A Forward Subscriber

Established by the 86th Congress Signed into law by President Reagan in 1987, 16 USC 469j

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

Deputy Chairman
Rabbi Zvi Kestenbaum

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Rabbi Chaskel O. Besser
Abraham Friedalander
Rabbi Edgar Gluck
Levi Goldberger
Leslie Keller
Lawrence J. Majewski
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Rabbi Morris A. Schmidman
Edward Howell Sims
Norman H. Stahl
Judy Baar Topinka

Chairman Emeritus
Betty G. Heitman

March 1, 1991

His Excellency Lech Walesa
President of the Republic of Poland

Dear Mr. President:

The United States Commission for the Preservation of America's Heritage Abroad wishes to congratulate you on your election and to wish you great success during your term as President of the Republic of Poland.

Because the fabric of society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

Many of these foreign sites are in danger of disappearing because the people who would have cared for them were killed or displaced by the Holocaust. Because of this, the United States Congress and the President set up the United States Commission for the Preservation of America's Heritage Abroad within the United States Government. The legislation setting up the Commission was sponsored by Congressman Stephen Solarz and Senator Edward M. Kennedy.

The proposed Agreement with Poland calls for the setting up of A Joint Cultural Heritage Commission with United States and Polish members (copies in Polish and English are enclosed). The Joint Cultural Commission would cooperate in identifying lists of sites which are in danger of deterioration or destruction; and to take actions to protect and preserve such sites.

The Joint Cultural Commission would implement only those actions delegated to it by the Governments of Poland and the United States. Actions by the Joint Commission would only be undertaken with the unanimous consent of both the Polish and United States members; and would be subject to the availability of funds.

In July of 1990, we visited various government ministries in Warsaw, and received warm assurances that the Government of Poland was in favor of such an agreement. Subsequent to this visit to Poland, and prior to your election as President, we met with the newly appointed Ambassador of the Republic of Poland to the United States, His Excellency Kazimierz Dziewamowski. Ambassador Dziewanowski was also urged to favorably consider our proposal by Assistant Secretary of State for European and Canadian Affairs, R. G. H. Seitz. A copy of his letter to the Ambassador is also enclosed.

We have received a great deal of encouragement from Ambassador Dziewanowski who has advised us that he has recommended that the Agreement be signed by the Government of Poland. However, there has been no response from Warsaw, perhaps due to the changeover in Government.

We believe that you may have a personal interest in taking steps to insure that cultural and religious sites, where America's cultural heritage is involved, are protected from further damage and deterioration through implementation of the proposed Agreement. Now that your Government is established, we hope that a decision may be reached quickly to conclude the Agreement.

If you would like to have further information or discussion, we would welcome the opportunity to meet with you and your staff.

We hope that your visit here will be successful, and that your efforts to make Poland a market economy will be fruitful.

Respectfully,

Israel Rubin, Commissioner

Established by the 86th Congress Signed into law by President Reagan in 1987, 16 USC 469j

UNITED STATES COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

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Norman H. Stahl
Judy Baar Topinka

Chairman Emeritus
Betty G. Heitman

February 8, 1991

His Excellency Vaclav Havel
President of the Czech and Slovak Federal Republic
Prague, Czechoslovakia

Dear Mr. President:

On behalf of the United States Commission for the Preservation of America's Heritage Abroad, I send you greetings.

The Commission is an Agency of the United States Government whose key priority is to negotiate bilateral agreements with the governments of European countries to set up joint working groups which would cooperate in identifying and designating cemeteries, monuments and buildings as national historic trusts with the aim of protection and preservation of these sites. The legislation which set up this program in the United States Government was sponsored by United States Senator Edward M. Kennedy and United States Congressman Stephen Solarz.

We received considerable support and encouragement for this program from the Czechoslovak Embassy in washington, D.C., especially from Dr. Jiri Setlik, the Cultural Attache. Consequently, with the support of the United States Embassy in Prague, we visited your Federal Ministry of Foreign Affairs during July 11-13, 1990 to discuss the terms of the proposed agreement.

While the discussions then were most positive, we have received no further communication, perhaps due to bureaucratic inertia in Prague. We bring this to your attention because we believe that this Agreement may be of special interest to you, and hope that you might consider it.

We would very much appreciate a response to our proposal. If you would like to have further information or discussions, we would welcome the opportunity to meet with you and your staff.

Respectfully,

Israel Rubin, Commissioner

A PERSONAL DIMENSION

"Why the United States Commission
needs Joint Cultural Heritage Commissions in Eastern Europe"

by Eileen Gordon Rubin

It was not without significance that we spent the week of July 4th, 1990 travelling to Poland and on to a small town where my ancestors had lived and died. Wyszkow, 60 kilometers northeast of Warsaw, was the destination as we traversed bumpy roads in the Polish summer heat. As our cab approached the town, the driver leaned out his window to inquire of young people, passersby, where we might be able to locate the old Jewish cemetery. Everyone seemed to know the spot and directed us to exactly the right place. Once there, we piled out of the cab and just stood staring. There was no cemetery here at all, just a large, open field overgrown with grasses and weeds. We searched the entire area but found nothing even remotely resembling a cemetery. As we investigated the environs, a young man approached us to inquire what we were doing. Our driver explained and this prompted the young man to respond that yes, there definitely used to be a cemetery in this spot; as a child he had played among the tombstones here. It was apparent that this man was as dismayed as we were.

As we surveyed the landscape, we noticed a burly, red-faced man walking toward us from one of the many farmhouses in the distance. Upon hearing of our quest, he revealed to us that he had an interesting tombstone in his barn. Would we care to see it? We followed the man back to his farm where we were introduced to "grandmother". As our story was explained, "grandmother" became increasingly agitated and swiftly and conclusively denied the existence of any such tombstone in the house.

Back outside we were approached once more by an inquisitive young girl on a bicycle. Our tireless cab driver relayed our story yet again -- this prompted an enthusiastic response by the girl. Translating for her, the driver explained that we must meet Grzegorz, the girl's brother.

We were taken to meet this Grzegorz, a student at the University of Warsaw who resides in Wyskow. Grzegorz explained how he attempted to create a Jewish cultural heritage organization to oversee the restoration and preservation of the Jewish cemetery in Wyskow. Independently, he had identified 75 tombstones which he had discovered were being used around the cemetery for pathways and support beams. Grzegorz had tried to negotiate with the local mayor (prior to the installation of the new democratic leadership in Poland), but had achieved nothing. Now, Wyskow had a

new mayor and Grzegorz would schedule a meeting among us all to be held on the rather ironic date of July 4th. The day arrived and our very patient cabdriver chauffered us to the meeting. The mayor spoke of a Wyszkow decades ago in which Jews represented over two-thirds of the town's population. He pledged his support in helping to restore the cemetery, and we agreed that Grzegorz would attend to the details and legalities.

Back in the U.S., we received disturbing news from Grzegorz. Yes, the town was willing to entrust him with the legal title to the cemetery for preservation; however, he was required to meet with a committee before that title could be handed over. Grzegorz followed up immediately with this committee and was confronted from the outset with a series of obstacles and barriers designed to impede his plan. This resulted in a complete paralysis of the restoration and preservation program. Nearly a year later, the cemetery remains as an overgrown field with no restorative action in sight.

Postscript

The United States Commission for the Preservtion of America's Heritage Abroad is currently negotiating with foreign governments to establish Joint Cultural Heritage Commissiions which would oversee the type of much needed restoration and preservation described in this case.

APPENDIX 2

The Preservation Efforts of Deputy Chairman Rabbi Zvi Kestenbaum

listing of cemeteries Rabbi Kestenbaum has been involved in preserving and protecting

highlights, by country, of Rabbi Kestenbaum's preservation efforts

correspondence from Ivan Platthy, Department Head, Hungarian Ministry of Culture confirming the disqualification of the tax on preservation

The following is a listing of Cemeteries

HUNGARY

Olaszliszka
Ujfeherto
Ofeherto
Teglas
Nyir Mada
Hajdunanas
Puspokladany
Poroslo
Peterwasar
Gyulahaza
Nyir Karas
Ricse
Jaszkereny
Tolchiver
Yaskarin
Putnok
Gyongyos
Szikszo
Hajdusamson

YUGOSLAVIA

Zenta

ROUMANIA

Szarmas
Cluj

POLAND

Dynov
Warsaw
Slubice
Kalish
Rymanov
Ropcyze
Chrsanow

CZECKOSLOVAKIA

Spisska Nova Ves
and many others

RUSSIA

Slonim
Munkachevo

HIGHLIGHTS
OF RABBI ZVI KESTENBAUM'S PRESERVATION EFFORTS

Rabbi Kestenbaum' s efforts have succeeded in preserving and protecting cemeteries throughout Hungary, Romania, Czechoslvakia and Poland. The following describes some of the highlights of his work there.

The cemetery in Ujfeherto, Hungary served the Jewish community for over 250 years. During a visit to this holy site, Zvi Kestenbaum realized that a home had been built atop the graves of famous rabbis and Jewish leaders. Following extensive negotiations with the local government, Zvi Kestenbaum was able to persuade the resident of this home to move elsewhere. When the building was lifted from the spot, he discovererd the foundations of monuments marking gravesites. A gate encircling the cemetery was constructed and stone monuments -- one in Hebrew and one in Hungarian -- were erected. The inscription states that the old Ujfeherto cemetery was rebuilt and dedicated to the victims of the Nazi death camps. It is noteworthy that despite the cemetery's location in the very center of Ujfeherto, the local government declared the site a landmark. This success at Ujfeherto paved the way for extensive preservation work at cemeteries throughout Hungary.

In Czechoslovakia, Zvi Kestenbaum learned of plans to build a car wash on the site of an old Jewish cemetery. Following discussions with the United States Department of State, Zvi Kestenbaum was able to prevent the construction of the car wash on that holy Jewish site. In a similar situation in Romania, Zvi Kestenbaum once again worked with the United States Department of State to prevent the Jewish cemetery of Szarmas from being uprooted and destroyed.

In Poland, Zvi Kestenbaum was instrumental in engendering a real accomplishment for the Jewish community of Krakow. The old cemetery, containing the grave of a famous Hasidic Rabbi, had been destroyed by the Nazis. After the war, local authorities planted trees and turned the entire area into a park. The Jewish comminity then proposed that the park be made into a memorial with a mausoleum to be erected on the site of the rabbi's grave. The local authorities refused. Zvi Kestenbaum, in concert with the United States Department of State, negotiated the arrangement of a meeting with the Governor and made an impassioned plea for the need to preserve this holy site. In spite of the fact that this was the final day

of the Governor's term in office, he agreed to the request and then pledged the support of the new Governor in the construction of the mausoleum. It was particularly gratifying that the government assisted in identifying the original foundation of the grave and cooperated in ensuring that other, less clearly demarcated gravesites were not disturbed in the construction process.

These are merely a few examples of the impact that even one individual has made in protecting and preserving Jewish sites which were in danger of destruction and might not otherwise exist in order to be preserved.

Rabbi Zvi Kestenbaum
Vice-Chairman
Commission for the Preservation
of America's Heritage Abroad

12 Heyward Street
Brooklyn, N.Y. 11211.

January 9, 1990.

Dear Rabbi Kestenbaum:

I would like to take this opportunity to express our cultural government's gratitude and my thanks for the self-sacrificing efforts you have made to save the Jewish Orthodox cemeteries in Hungary.

I am pleased to inform you that Act XI., § 57. of the year 1989 provides for the reimbursement starting January 1, 1990, of general turnover taxes, /ÁFA/ levied on reconstruction /conservation/ works. As for taxes levied on works carried out in 1989, we will make an exception and reimburse them, too. I would also like to mention here that we have begun to accomplish a survey of Orthodox cemeteries in Hungary with the assistance of muscum directors of various counties.

I trust that the above-mentioned will help you in continuing your efforts conserving values, for the benefit of your Church and our country.

May I wish you good health and success in your endeavors.

Sincerely,

/Iván Platthy/
Head of Department
Ministry of Culture

UNOFFICIAL TRANSLATION